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PATENT AND
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of Dara W. Frank et al. :
Serial No.: 09/770,916 :
Filed: January 26, 2001 : WITHDRAWAL OF ABANDONMENT
Attorney Docket No.: 650053.91487 :

This is in response to applicants' petition under 37 CFR 1.181, filed January 21, 2003, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed June 10, 2002.

A review of the file history shows that the examiner mailed an Office action (restriction requirement) to applicant on June 10, 2002, setting a one month shortened statutory time period for reply. On January 9, 2003, the Office mailed a Notice of Abandonment for failure to respond to the Office action.

Applicant states that a response was filed on July 8, 2002, as evidenced by the properly executed Certificate of Mailing on the reply. Applicant provides a copy of the submitted reply with the petition, and also a declaration by Ms. Anita Eisert stating that the response was filed on that date. In view of this evidence, applicant is considered to have submitted a timely reply.

Applicant's petition is **GRANTED**. The application is restored to pending status with the mailing of this decision and will be forwarded to the examiner for examination on the merits.

Should there be any questions with regard to this letter please contact Bruce Campell by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-4205 or by facsimile transmission at (703) 746-5006.

Jasemine C. Chambers

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Director, Technology Center 1600